

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.3.3
Eastern Division**

Pink Floyd (1987) Limited

Plaintiff,

v.

Case No.:
1:21-cv-03039
Honorable Harry D.
Leinenweber

The Partnerships and Unincorporated Associations
Identified on Schedule "A", et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Wednesday, August 4, 2021:

MINUTE entry before the Honorable Harry D. Leinenweber: For the reasons set forth in this Order, the Court amends its 8/3/21 Default Order [40] [41]. On July 2, 2021, Plaintiff served Defendants by electronic publication and/or by sending an e-mail to the e-mail addresses associated with each Defendant [24], pursuant to Federal Rule of Civil Procedure 4(f)(3). Federal Rule of Civil Procedure 12(a)(1)(A)(i) requires defendants to answer or otherwise please 21 days after service. On July 26, 2021, 24 days following service, Plaintiff moved for entry of default judgment against those defendants that had not responded to the complaint pursuant to Federal Rule of Civil Procedure 55. [28] On July 29, 2021 Defendant Unknown Liu Yue moved to dismiss the complaint for lack of personal jurisdiction. [37] The next day, July 30, 2021 Defendant GuangZhouTianHeQuFengGeJingHangYiYuanYouXianGongSi ("GuangZhou") also moved to dismiss the complaint for lack of personal jurisdiction. [42] Defendants Unknown Liu Yue and GuangZhou filed their motions more than 21 days after service, in violation of Federal Rule of Civil Procedure 12(a)(1)(A)(i). In its discretion, however, the Court declines to enter a default judgment against parties whose motions were filed only one week late, particularly in light of Plaintiff's electronic service. *McCready v. Harrison*, 67 F. App'x 971, 974 (7th Cir. 2003) (affirming the District Court's discretion to deny a motion of default judgment where the responsive pleading is late by just several days). Accordingly the Court's 8/3/21 Minute Order entering default judgment and denying Defendant Unknown Liu Yue's motion to dismiss as moot [40] is hereby amended to reflect that following: (1) the denial of Defendant Unknown Liu Yue's motion to dismiss is vacated and (2) the motion to default judgment is denied as to Defendants Unknown Liu Yue and GuangZhou. The 8/3/21 entered Default Order [41] is amended to remove Defendants Unknown Liu Yue and GuangZhou. Plaintiff shall file a joint response to Defendants Unknown Liu Yue's and GuangZhou's motions to dismiss on or before 8/25/21. Defendants Unknown Liu Yue and GuangZhou may each file a reply brief on or before 9/1/21. The Court will rule by mail. Defendants Unknown Liu Yue and GuangZhou are also directed to file an affidavit establishing its corporate structure (i.e. LLC, partnership, sole proprietorship). The affidavit should include supporting documentation

evidencing the identified structure. Any foreign–language documents submitted in connection with the affidavits must include an English translation. The affidavit must be filed on or before 8/25/21. Mailed notice (maf)

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